IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA:

CWP.No.662/2005.

Date of Decision :30.4.2007.

Gopal Singh. …Petitioner.

Versus:

Divisional Forest Officer and Ors. …Respondents.

Coram:

The Hon'ble Mr.Justice Sanjay Karol, Judge.

Whether approved for reporting?[1]

For the petitioner: Mr.N.K.Sood, Advocate.

For Respondents. Mr.C.B.Singh, Dy.Advocate General.

Sanjay Karol, J (Oral).

By way of this writ petition, the petitioner has assailed the award dated 30th March, 2005, whereby the Presiding Judge, H.P.Labour Court, Shimla has held that the engagement of the petitioner with the respondents is that of seasonal worker and his disengagement does not amount to retrenchment under Industrial Disputes Act, 1947. Petitioner has alleged that he was engaged as Beldar in 1980 with the respondents in the Forest Range Office, District Shimla and continued to work without interruption till 30th August, 1998 when he was disengaged. The dispute was referred for

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[1] **Whether reporters of Local Papers may be allowed to see the judgment?**

conciliation and on failure thereof, a reference for adjudication was made by the State Government. A claim petition was filed by the petitioner which was replied by the respondent-State wherein, inter alia, it was stated that the petitioner was engaged as casual labour on daily wages for carrying out different seasonal forestry work between the year 1994-1997. The petitioner was casual employee and he never completed 240 days in a calendar year. After 1997, he never made himself available for carrying out the seasonal work which is carried out by the Forest Department. After examining the entire material on record and also taking the statements of the various witnesses, the Presiding Judge has come to the conclusion that the petitioner has never worked for more than 240 days in a calendar year. The Tribunal also held that the petitioner was carrying out work of seasonal nature and therefore principle of retrenchment would not apply.

For the reasons set out in the award with which I agree , I see no reason to interfere with the well reasoned order passed by the Tribunal. While answering the reference, the Presiding Judge has already directed that as and when the work is available with the respondents, petitioner would be re-engaged on the lines of the directions issued by this Court in CWP.No.1708/95 titled as Amar Singh Vs. State of H.P. and another decided on 13th December, 1995. The respondents shall do so. The writ petition is accordingly disposed of with the aforesaid observations.

(Sanjay Karol),
Judge.

April 30, 2007(R)